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GOVERNMENT OF KERALA

LAW DEPARTMENT

NOTIFICATION

No. 6400|b4|59|Law. *Dated, Trivandrum, 31st August 1959.*

The following Act which was recently passed by the Houses of Parliament and published in the Gazette of India Extraordinary dated the 31st August, 1959, is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 29th August 1959.

By order of the Governor,
P. SANKARAN ELAYATH,
Additional Law Secretary.

THE KERALA LOCAL AUTHORITIES LAWS (AMENDMENT) ACT, 1959

(27 of 1959)

AN

ACT

to provide for the further extension of the term of office of the Mayor and other councillors and chairmen of standing committees of the Corporation of Trivandrum, and of the councillors of municipalities; and to provide for the recovery in certain cases of arrears of cesses, rates, taxes, fees or other sums due to Panchayats.

WHEREAS by virtue of the Proclamation issued by the President under article 356 of the Constitution on the 31st day of July, 1959, the powers of the legislature of the State of Kerala are now exercisable by or under the authority of the Parliament;

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Local Authorities Laws (Amendment) Act, 1959.

2. *Definition.*—In this Act,—

(a) "Kerala municipal laws" means,—

(i) the Trivandrum City Municipal Act (Trav. Act 4 of 1116);

(ii) the Travancore District Municipalities Act, 1116 (Trav. Act 23 of 1116);

(iii) the Cochin Municipal Act XVIII of 1113 (Cochin Act XVIII of 1113);

(iv) the Madras District Municipalities Act, 1920 (Madras Act 5 of 1920) as in force in Malabar;

(v) the Municipal Laws (Amendment) Act, 1958 (Kerala Act 43 of 1958); and

(vi) the Madras District Municipalities (Amendment) Act, 1958 (Kerala Act 44 of 1958);

(b) "Malabar" means the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956).

3. *Extension of term of office of certain municipal functionaries.*—Notwithstanding anything in any of the Kerala Municipal laws, the Government may, by notification in the Gazette, extend the term of office of—

(i) the Mayor and other councillors and the chairmen of standing committees of the Corporation of Trivandrum constituted under the Trivandrum City Municipal Act, (Trav. Act 4 of 1116); and

(ii) the councillors of any municipality constituted under the Madras District Municipalities Act, 1920 (Madras Act 5 of 1920) as in force in Malabar, or the Travancore District Municipalities Act, 1116 (Trav. Act 23 of 1116), or the Cochin Municipal Act XVIII of 1113, (Cochin Act XVIII of 1113);

which expires at noon on the 1st day of September, 1959, up to such date not later than the 1st day of September, 1960, as may be specified in the notification.

4. *Election and term of office of new councillors in cases falling under section 3.*—When the term of office of the Mayor or of any chairman or councillor has been extended under section 3, the provisions of the Kerala municipal laws shall have effect in relation thereto, subject to the following modifications, namely:—

(a) the Government shall cause elections—

(i) to be so held, and appointments to be so made, of councillors to the Corporation of Trivandrum that the newly elected and appointed councillors enter upon office on the date specified in the notification under section 3;

(ii) to every municipality concerned to be so held that the newly elected councillors enter upon office on the date specified as aforesaid;

(b) the term of office of the newly elected or appointed councillors shall expire on the day immediately succeeding the expiry of three years from the date referred to in clause (a);

(c) the election of the Mayor of the council of the Corporation of Trivandrum shall be held at the first meeting of the council after the date referred to in clause (a) and the election of the chairman of each standing committee of the council shall be held at the first meeting of such committee.

5. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, or of any of the Kerala municipal laws as modified by section 4, the Government may, as occasion may arise, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

6. *Amendment of Travancore-Cochin Panchayats Act.*—In the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act 2 of 1950) after section 57, the following section shall be inserted, namely:—

> "57A. *Recovery of arrears of cess, etc., where Panchayats cease to exist or to exercise jurisdiction.*—Where a Panchayat ceases to exist, or ceases to exercise jurisdiction over any local area, by reason of any notification issued under section 3, any cess, rate, tax, fee or other sum which accrued due to such Panchayat before the date it ceased to so exist or to exercise jurisdiction, shall be payable to such authority as the Government may, by general or special order, specify, and may be recovered as an arrear of land revenue under the Revenue Recovery Act for the time being in force.".

7. *Repeal of Kerala Acts 43 and 44 of 1958.*—The Municipal Laws (Amendment) Act, 1958, and the Madras District Municipalities (Amendment) Act, 1958, shall stand repealed on the 1st day of September, 1959.

GOVERNMENT OF KERALA

Labour and Local Administration Department (Municipal)

NOTIFICATIONS

No. ML(B)4.46713|59|L&LAD.

Dated, Trivandrum, 31st August 1959.

I

In exercise of the powers conferred by Section 3 of the Kerala Local Authorities Laws (Amendment) Act, 1959 (Central Act XXVII of 1959), the Government of Kerala hereby extend the term of office of the Mayor and other Councillors and the Chairmen of the standing committees of the Corporation of Trivandrum constituted under the Trivandrum City Municipal Act (Act IV of 1116) which expires at noon on the 1st day of September, 1959, up to the noon of 1st February, 1960.

II

In exercise of the powers conferred by Section 3 of the Kerala Local Authorities Laws (Amendment) Act, 1959 (Central Act XXVII of 1959), the Government of Kerala hereby extend the term of office of the Councillors of all the municipalities in the State constituted under the Madras District Municipalities Act, 1920 (V of 1920) as in force in Malabar, the Travancore District Municipalities Act, 1116 (Act XXIII of 1116) and the Cochin Municipal Act, XVIII of 1113, which expires at noon on the 1st day of September 1959 upto the noon of 1st February, 1960.

By order of the Governor,

P. I. Jacob,
Secretary.